

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3557

IN THE MATTER OF:

Served September 17, 1990

Application of DIAMOND TRANSPORTA- )  
TION SERVICES, INC., for Temporary )  
Authority to Transport Passengers )  
for the Account of Arlington )  
County, VA )

Case No. AP-90-35

By application filed August 22, 1990, Diamond Transportation Services, Inc. (DTS or applicant), seeks temporary authority to transport transportation-disadvantaged \*/ passengers and their baggage from points in Arlington County, VA, to points in the District of Columbia and Montgomery and Prince George's Counties, MD, and return, restricted to the account of Arlington County, VA.

Order No. 3546, served August 28, 1990, generally described the evidence submitted with the application, and that order is incorporated herein by reference. Order No. 3546 served as publication of notice and directed that protests, if any, be filed in accordance with Commission Rule No. 14, no later than September 7, 1990. No protest to this application was received by the Commission.

Title II, Article XII, Section 4(d)(3) of the Compact provides that the Commission may, in its discretion, grant an application for temporary authority, without hearing or other proceedings, if it finds that there is an immediate and urgent need for the service proposed and that no other carrier service is capable of meeting that need. Fitness of the applicant is also required. See Application of Suburban Transit Company for Temporary Authority to Serve the Capital Centre, Order No. 1643, served January 24, 1977; Application of American Coach Lines, Inc., for Declaratory Order or, in the Alternative, Temporary Authority to Conduct Charter Operations Between Points in the Metropolitan District, Order No. 2738, served July 22, 1985; See also Order Nos. 2440, 2448, 2864, and 3221, served July 8, 1983; August 10, 1983; May 23, 1986; and August 23, 1988, respectively.

No duly authorized carrier protested this application thereby indicating its ability and willingness to provide the service proposed by applicant, and the Commission finds that no other carrier is capable

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\*/ "Transportation-disadvantaged persons are those individuals who by reason of age, physical or mental disabilities are unable without special facilities or special planning or design to utilize transportation facilities and services as effectively as persons who are not so affected." Order No. 2015, served August 7, 1979, at pp. 3 and 4.

of meeting the service need to which applicant's witness attested. It is further found, based on the evidence of record, that there is an immediate and urgent need for the service described in this application and that applicant is fit to provide that service.

THEREFORE, IT IS ORDERED:

1. That Diamond Transportation Services, Inc., is hereby conditionally granted a maximum of 180 days temporary authority, contingent upon timely compliance with the terms of this order, to transport transportation-disadvantaged passengers and their baggage from points in Arlington County, VA, to points in the District of Columbia and Montgomery and Prince George's Counties, MD, and return, restricted to transportation for the account of Arlington County, VA.

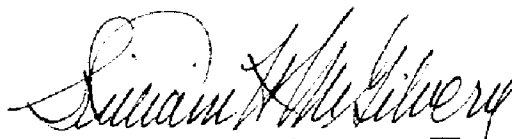
2. That Diamond Transportation Services, Inc., is hereby directed, no later than 30 days from the service date of this order to identify its vehicles in accordance with Commission Regulation No. 67-03 and to file the following: (a) an affidavit of compliance with Commission Regulation No. 67-03; (b) three copies of its WMATC Temporary Tariff No. AP-90-31; (c) an equipment list stating make, model, serial number, vehicle number (if any), seating capacity, and license plate number (with jurisdiction) for all vehicles to be used in revenue operations; (d) evidence of ownership, or leases, or verification that filed leases are live and unchanged, as appropriate, for all vehicles to be used in revenue operations; and (e) to file a certificate of insurance, if one is not already on file, in conformance with Commission Regulation No. 62 covering all vehicles to be used in revenue operations.

3. That the Executive Director shall notify Diamond Transportation Services, Inc., in writing, upon its timely compliance with the requirements of this order, that it may commence operations pursuant to temporary authority.

4. That the temporary authority granted herein shall expire March 16, 1991, unless otherwise ordered by the Commission.

5. That unless Diamond Transportation Services, Inc., complies with the requirements of this order within 30 days from date of issuance or in such additional time as the Commission may direct or allow, the grant of temporary authority contained herein shall be void, and this application shall stand denied in its entirety, effective upon the expiration of the said compliance time.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:

  
William H. McGilvery  
Executive Director